

June 26, 1995

Honorable Susan Ness
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**Re: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610**

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Dear Commissioner Ness:

It is my understanding that the Federal Communications Commission has recently issued Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Infinity Broadcasting of Detroit, licensee of Radio Station WXYT, Detroit, Michigan below with this rulemaking proceeding. Infinity Broadcasting Corporation, WXYT's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of WXYT on service rules and licensing for Satellite DARS.

In my position as General Manager of WXYT, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including WXYT. WXYT supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of WXYT and other community-based broadcasters to provide local service in the public interest.

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. WXYT currently fulfills this obligation by providing listeners in the Detroit area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and daily News/Talk programs which include thousands of local newsmaker interviews each year which address issues of concern to listeners in the Detroit metropolitan area. WXYT's ability to provide such local programming and services to listeners in Detroit will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations". If the Commission allows 60 new satellite super stations to broadcast in the Detroit area, our listeners are likely to tune into WXYT only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like WXYT provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the Detroit market will inevitably fragment the audiences that make stations like WXYT viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the

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very benefits that national satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, WXYT respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;
- The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;
- As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;
- Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;
- Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;
- Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;
- Satellite DARS services should be subscription-supported so that Satellite DARS operators have an economic framework to permit delivery of niche programming to specialized and geographically dispersed markets;
- In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

WXYT looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WXYT urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it move towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,



Michael S. Packer
Vice President/General Manager